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★ MAR 05 2012 ★

BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA,

Plaintiff,

-against-

DAVID D. KADOCH,

Defendant.
-----X

AMON, Chief United States District Judge.

Before the Court is the Report and Recommendation of the Honorable Cheryl L. Pollak, filed February 17, 2012. Judge Pollak recommends that "plaintiff's motion for summary judgment be denied without prejudice to re-file in accordance with the Federal Rules and Local Rules." R & R, D.E. #40, at 5. Neither party has filed objections to the R & R. Finding no clear error, the Court adopts the R & R in its entirety. *See King v. Greiner*, 2009 WL 2001439, at *4 (S.D.N.Y. 2009) ("To accept those portions of the report to which no timely objection has been made, a court need only satisfy itself that there is no clear error on the face of the record." (internal quotation marks omitted)). The motion for summary judgment is denied without prejudice to a renewed motion. Any such motion is hereby referred to Judge Pollak for Report and Recommendation.

SO ORDERED.

Dated: March 5, 2012
Brooklyn, N.Y.

/S/


Carol Bagley Amon
Chief United States District Judge